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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,202	04/21/1999	TODD R. COLLART	IACTP001	8074

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DISCOVISION ASSOCIATES  
INTELLECTUAL PROPERTY DEVELOPMENT  
2355 MAIN STREET, SUITE 200  
IRVINE, CA 92614

EXAMINER
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SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/296,202

Applicant(s)

COLLART, TODD R.

Examiner

Cristina O Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16, 19.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. This action is in response to Applicant's Amendment filed 27 February 2003.

Claims 1 – 19 are pending in this case.

***Response to Arguments***

2. Examiner has carefully considered Applicant's arguments with respect to claims 1 – 19, but they are not persuasive. Applicant argues that the limitations of claims 1 – 19 are not to be found in Tobita (US 5,938,730A). Examiner respectfully disagrees and calls attention to Col 4 ln 70 - col 5 ln 14.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1 - 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Tobita (US 5,938,730A).

5. Tobita discloses a method for tracking the distribution of content electronically, comprising the steps of: (a) incorporating an electronic storage medium tracking identifier onto a standalone electronic storage medium; (b) detecting the tracking information when the standalone electronic storage medium is coupled with a computer; (c) transmitting the tracking information to a server computer; and (d) determining appropriate support information utilizing logic in the server computer to transmit to the computer (Col 4 ln 7 - col 5 ln 10);

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with respect to claim 2, a method for tracking the distribution of content electronically as recited in claim 1, wherein the server computer performs a table lookup to determine the retailer that sold the package (Col 4 ln 7 - col 5 ln 10);

with respect to claim 3, a method for tracking the distribution of content electronically as recited in claim 1, wherein the server computer is coupled to the computer via a network (Col 4 ln 7 - col 5 ln 10);

with respect to claim 4, a method for tracking the distribution of content electronically as recited in claim 1, wherein the server computer transmits information utilizing an internet protocol (Col 4 ln 7 - col 5 ln 10);

with respect to claim 5, a method for tracking the distribution of content electronically as recited in claim 1, wherein a transaction is written to a database memorializing processing (Col 4 ln 7 - col 5 ln 10);

with respect to claim 6, a method for tracking the distribution of content electronically as recited in claim 1, wherein support information is passed to the server to identify pertinent support information (Col 4 ln 7 - col 5 ln 10).

6. Claims 7 - 11 are rejected under 35 U.S.C. 102(a) as being anticipated by Tobita (US 5,938,730A).

8. Tobita discloses, with respect to claim 7, an apparatus for tracking the distribution of content electronically, comprising: (a) a standalone optical disc electronic storage medium having a burst cut area; and (b) a digital code stored in the burst cut area; (c) the digital code representative of an identifier of content on the optical disc electronic storage medium; (d) the apparatus including logic that detects the tracking

information when the electronic storage medium is coupled with a computer; (e) the apparatus including logic that transmits the tracking information to a server computer; and (f) the apparatus including logic in the server computer that determines appropriate support information utilizing logic in the server computer to transmit to the computer (Col 4 ln 7 - col 5 ln 10);

with respect to claim 8, an apparatus for tracking the distribution of content electronically as recited in claim 7, wherein the server computer performs a table lookup to determine the retailer that sold the package (Col 4 ln 10 - col 5 ln 14);

with respect to claim 9, an apparatus for tracking the distribution of content electronically as recited in claim 7, wherein the server computer is coupled to the computer via a 3 network (Col 4 ln 10 - col 5 ln 14);

with respect to claim 10, an apparatus for tracking the distribution of content electronically as recited in claim 7, wherein the server computer transmits information utilizing an internet protocol (Col 4 ln 10 - col 5 ln 14);

with respect to claim 11, an apparatus for tracking the distribution of content electronically as recited in claim 7, wherein a transaction is written to a database memorializing processing (Col 4 ln 10 - col 5 ln 14).

9. Claims 12 - 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Tobita (US 5,938,730A).

10. Tobita discloses, with respect to claim 12, a program embodied on a computer readable medium for identifying and providing a response to the use of a standalone electronic storage medium having an identifier incorporated thereon, the program

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comprising: (a) a code segment that reads the identifier of the electronic storage medium upon being input into a computer by a user; (b) a code segment that detects the tracking information when the package is coupled with a computer; (c) a code segment that transmits the tracking information to a server computer; and (d) a code segment in the server computer that determines appropriate support information utilizing logic in the server computer to transmit to the computer (Col 4 ln 10 - col 5 ln 14);

with respect to claim 13, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 12, wherein the server computer performs a table lookup to determine the retailer that sold the package (Col 4 ln 10 - col 5 ln 14);

with respect to claim 14, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 12, wherein the server computer is coupled to the computer via a network (Col 4 ln 10 - col 5 ln 14);

with respect to claim 14, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 12, wherein the server computer initiates support of authorized information utilizing a transaction from the server computer (Col 4 ln 10 - col 5 ln 14);

with respect to claim 16, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in

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claim 12, wherein a transaction is written to a database memorializing processing (Col 4 In 10 - col 5 In 14);

with respect to claim 17, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 12, including a code segment that receives live support information from the server computer (Col 4 In 10 - col 5 In 14);

with respect to claim 18, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 17, including a code segment that transmits support criteria to the server computer (Col 4 In 10 - col 5 In 14);

with respect to claim 19, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 12, including a code segment that posts support indicia of video, user information, and a suitable player to a database (Col 4 In 10 - col 5 In 14).

11. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) a mail encoding and processing system (Allum et al US 5,420,403A); (2) a system and method for database access control (Baker et al US 5,686,898A);

(3) a method of securing the playback of a DVD-ROM via triggering data sent via cable network (Mages et al US 6,035,329A);

(4) an optical disk, optical recorder, optical reproducing device encrypted communication system, and authorizing system for use of a program (EP 0 802 527 A1);

(5) a method and device for executing a software and medium for distribution (EP 0814419A2);

and

(6) Bannan,KJ; Private Pipes for Electronic Media (Econtent, Apr 2002).

**13. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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May 1, 2003

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600